
South Dakota Department of
Education

South Dakota
Advisory Panel for
Children with
Disabilities

By-laws and Operating
Procedures



2007

Annual Report

By July 1 of each year, the advisory panel will submit an annual report of panel activities and suggestions to the South Dakota Department of Education. This report will be available to the public in a manner consistent with public reporting requirements.

Amendment of By-laws

Proposed amendments to the by-laws shall be submitted in writing to the chairperson. The panel may take action on an amendment provided the proposed amendment was given to the panel members at least 14 days prior to the meeting. Amendments to the by-laws must be approved by a two-thirds vote in a meeting with an appropriate quorum.

meeting date. Individuals will also have the opportunity to comment during the public comment portion of each meeting.

- The advisory panel will conduct, at a minimum, four meetings a year. The annual organization of new members and setting priorities will be held in June and will involve orientation of new members and setting priorities for the year.
- The panel members will be reimbursed for travel expenses and per diem consistent with State procedures. Approved travel expenses for chaperones, attendants, individuals with disabilities, and parents will be reimbursed to State requirements.
- The Governors Advisory Council may use funds appropriated under this title to reimburse Advisory Council members for reasonable and necessary expenses of attending Advisory Council duties (including child care and personal assistance services. Members serving on the Advisory Council shall be reimbursed for travel expenses as set forth in Title 5 of the Administrative Rules of South Dakota and within the limits set by the annual appropriation approved by the Legislature. Reimbursement for expenses such as attendant services, interpreter services and drivers, necessary to allow participation shall be provided after prior notification to the Special education program staff.
- The panel will attempt to reach consensus on all business items. Voting shall be decided by a simple majority vote of members.
- Items not specified by law, rules, or by-laws shall be governed by Robert's Rules of Order.

By-laws and Operating Procedures

The Individuals with Disabilities Education Act requires the establishment of a special education advisory panel made up of diverse stakeholders who provide advice and recommendations to the State education department that is responsible for the general supervision of programs and services for eligible children with disabilities. The following by-laws and operating procedures have been adopted by the State special education advisory panel.

Name of Panel

South Dakota Advisory Panel for Children with Disabilities

Purpose of Panel

The Individuals with Disabilities Education Act 2004 requires the establishment of a special education advisory panel to provide suggestions and advice to the State Department of Education on critical issues regarding special education services throughout South Dakota.

Number of Meetings

The advisory panel will meet, at a minimum, **four times each year**. Additional meetings can be requested by the executive committee. The meetings, agenda, meeting date, location, and time will meet public meeting requirements.

Membership of Panel (CFR 300.168)

The membership of the State advisory panel must consist of members appointed by the Governor. The membership should be representative of the State population and

composed of individuals involved in or concerned with the education of children with disabilities, including

- Parents of children with disabilities (ages birth through 26);
- Individuals with disabilities;
- Teachers;
- Representatives of institutions of higher education that prepare special education and related services personnel;
- State and local education officials including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;
- Administrators of programs for children with disabilities;
- Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- Representatives of private schools and public charter schools;
- Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- A representative from the State child welfare agency responsible for foster care; and
- Representatives from the State juvenile and adult corrections agencies.

Committees and priorities will be established at the annual organization meeting. There can be a committee for each priority established by the panel for that year. The chairperson will entertain nominations for the membership in each committee with input from all panel members.

Each committee will have a lead chairperson appointed by the advisory panel chairperson.

Panel Procedures

- Advisory panel meetings will be open to the public and publicized in advance of the meeting. Meeting notices will be published in regional newspapers across the State and via the State website.
- Advisory panel meetings will be conducted in facilities that are accessible to those with disabilities.
- Interpreters and other necessary services must be provided at panel meetings with 10 days' prior notice.
- The advisory panel will serve without compensation, but the State will reimburse panel members for reasonable and necessary expenses for attending meetings and performing duties.
- A quorum shall be constituted by a simple majority of advisory panel members in attendance.
- In the absence of the chairperson, the vice-chairperson will preside at the meeting.
- Persons or organizations wishing to address the panel may be placed on the agenda by making a request to a panel member prior to a scheduled meeting. The panel member will forward the request to the chairperson at least 10 days prior to the

- Prepare meeting agendas with the executive committee.
- Assist in preparing and submitting the annual report.

The duties of the vice-chairperson include the following:

- Preside at meetings when the chairperson is absent.
- Plan and organize meetings with the executive committee.
- Prepare meeting agendas with the executive committee.
- Assist in preparing and submitting the annual report.

The State director/designee will collaborate with the chairperson and ensure that the following occurs:

- Assist in organizing panel meetings.
- Complete and disseminate a summary of proceedings from each meeting.
- Notify members of meeting time and location.
- Conduct follow-up activities, including dissemination of minutes to all members no later than one month after the meeting.
- Other duties, as assigned

Committees

The advisory panel shall have an executive committee of three members, including the chairperson, vice-chairperson, and State director/designee. The executive committee will be chosen by the panel at the annual organization meeting.

Special Rule—A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

State Director—The State director serves in an **ad hoc capacity**. In case the group does not arrive at consensus, the State director will make the final decision.

Tenure of Members

The panel shall be composed of the required membership listed in the Individuals with Disabilities Education Act of 2004. Members shall serve a **term of three years** from the date of their appointment. The chairperson and vice-chairperson are elected by the panel membership at the annual organization meeting.

Nomination of Members

Nominations for advisory panel memberships will be received from individuals, organizations, and the Governor's office. Appointments are made by the Governor of South Dakota as necessary to fill vacancies on the panel.

Attendance

Advisory Panel members are expected to attend all scheduled meetings. Members may not designate persons other than themselves to attend meetings. If a member cannot attend, they are to notify the State agency staff.

Resignation

Any member desiring to resign from the panel shall submit his/her resignation in writing to the Governor's office and send a copy to the special education director.

Termination

The executive committee may recommend to the panel the release of any member who misses two or more meetings during the calendar year. Upon approval of the advisory panel, the recommendation of termination will be relayed to the Governor's office by the special education director.

Reasonable excuses, such as illness or family emergencies, will be counted as excused absences.

Definitions of Day and Year

For the purposes of this set of by-laws, the term day is defined as a calendar day. The term year is a calendar year of twelve months.

Advisory Panel Functions

Functions of the panel are as follows:

- Advise the SEA of unmet needs within the State in the education of children with disabilities (CFR 300.469(a)).
- Comment publicly on any rules of regulations proposed by the state regarding the education of children with disabilities (CFR 300.169(b)).
- Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act (CFR 300.169(c)).
- Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act (CFR 300.169(d)).

- Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities (CFR 300.169(e)).
- Review and comment on final due process hearing findings and decisions (CFR 300.531(d)(1)).
- Advise on eligible students with disabilities in adult prisons. The advisory panel also shall advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons (optional).

Executive Committee

The advisory panel will have an executive committee whose role is to assist in planning and preparing for advisory panel meetings. The executive committee shall be composed of the following individuals:

- Chairperson
- Vice-chairperson
- State director/designee

The executive committee shall have at least one parent advisory panel member as either chairperson or vice-chairperson.

Advisory Panel Leadership

The chairperson of the advisory panel is appointed for a **one-year term**. The chairperson's duties include these:

- Preside at all meetings
- Plan and organize meetings with the executive committee.